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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,757	01/16/2004	Hubert Hauser	HOE-794	8347
20028	7590	03/22/2007	EXAMINER	
Lipsitz & McAllister, LLC			PATEL, PARESH H	
755 MAIN STREET			ART UNIT	
MONROE, CT 06468			PAPER NUMBER	
			2829	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
31 DAYS		03/22/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group II (claims 12-32 and 38-50) in the reply filed on 12/26/2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Amendment to claims 26-32, which were the invention of Group III, now depends directly/indirectly from claim 12 has been noted. The restriction requirement of the last office action is further extended to include following different species.

2. This application contains claims directed to the following patentably distinct species:

I) Species of measuring device as described at paragraph 0021 (see publication of instant application i.e. US 20040212392 A1),

II) Species of measuring device as described at paragraph 0029 (see publication of instant application i.e. US 20040212392 A1),

III) Species of measuring device as described at paragraph 0038 (see publication of instant application i.e. US 20040212392 A1).

The species are independent or distinct because of their structure and uses.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 12 and 38 are appears to be generic.

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Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).


Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paresh Patel whose telephone number is 571-272-1968. The examiner can normally be reached on 8:00 to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ha Nguyen can be reached on 571-272-1678. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Paresh Patel 03/14/07
Primary Examiner
Art Unit 2829

March 18, 2007